

## KIRKLAND & ELLIS LLP

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July 6, 2018

**By ECF**

Honorable Vernon S. Broderick  
United States District Judge  
United States Courthouse  
40 Foley Square  
New York, NY 10007

Re: United States v. Ng Lap Seng, S5 15 Cr. 706 (VSB)

Dear Judge Broderick:

We write briefly in further support of Mr. Ng Lap Seng's request to obtain an MRI and visit an orthopedist (Doc. No. 807), and in response to the Government's letter in opposition to Mr. Ng's request, filed late yesterday evening (Doc. No. 808).

The Government's lengthy opposition is nothing more than an attempt to substitute its own judgment for that of Mr. Ng's doctors. As acknowledged by the Government in its letter, Mr. Ng's doctors, following evaluations and tests, have determined that he needs both an MRI and an evaluation by an orthopedist.<sup>1</sup> Neither the Government nor its purported expert have evaluated Mr. Ng, and they therefore have no basis upon which to contradict the recommendations of Mr. Ng's doctors. Since that second-guessing is the sole basis of the Government's objections, they are entirely meritless.

With respect to the removal of the GPS bracelet, which is necessary for Mr. Ng to have an MRI, we believe the revised conditions that Mr. Ng accepts and Guidepost confirms will be met

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<sup>1</sup> The Government's letter suggests that the defendant is withholding the report from his visit to the neurologist, Dr. Jaydeep Bhatt, but the defendant has not yet received any report from Dr. Bhatt, despite several requests. We were informed the reason was that the doctor was contacted by the Government and thereafter has so far refused to release the report to us.

The Government also implies something nefarious from the fact that the MRI was not scheduled at NYU, like Mr. Ng's appointment this past Monday, July 2, 2018. But the simple reason the MRI was scheduled with a private facility instead of at NYU is that there was no availability at NYU after the appointment on Monday was cancelled.

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are more than sufficient. As noted in our request letter, we have proposed that a Guidepost guard and/or government agent be stationed at each door to and/or from the room in which the MRI will be conducted for the duration of the MRI, and until the bracelet is replaced. That is more than sufficient to ensure that Mr. Ng will have no avenue to flee (which he certainly has no intention of doing). And the Government's baseless claim that Guidepost cannot be trusted to follow proper procedures is meritless on its face, considering, among other things, Guidepost's record in this case over the past several years. The Government's position is further weakened by the fact that it will have the opportunity to have an agent of its own present at all times -- as it has done in the past.

Contrary to the Government's unfounded suggestion that Mr. Ng is in some way being insincere, he has genuinely been in pain for some time. His doctors have evaluated his condition and recommended that he seek certain further tests and evaluations. The Government's unqualified attempts at forming its own medical opinion notwithstanding, Mr. Ng should be allowed to seek those tests, and diagnose, if not resolve, the source of his pain. The Government provides no compelling reason why he should not.

Accordingly, subject to the conditions set forth in our initial request letter (Doc. No. 807), we respectfully request the Court's approval for Mr. Ng to take MRI tests of his brain and spine at 170 East 77th street, New York, NY 10075 on Friday, July 6, 2018 at 8:30 am, and visit NYU Langone Madison Orthopedic Surgery Associates at 145 East 32nd Street, 4th Floor, New York, NY 10016 on the same day at 11 am.

We appreciate the Court's consideration of this request.

Respectfully Submitted,

**KIRKLAND & ELLIS LLP**

By: /s George N. Bauer  
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cc: Counsel of Record (by ECF)

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SO ORDERED

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Hon. Vernon S. Broderick  
United States District Court  
Southern District of New York